THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 17th November, 2006

W.P.No.23957 of 2006

Between:

Dasari Suryaprakasa Rao
and another … Petitioners

and

The Govt.of A.P., rep. by its
Principal Secretary, Irrigation and
Command Area Department,
Secretariat Buildings, Hyderabad
and others … Respondents

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ORAL ORDER:

Heard both sides.

It appears that the petitioners are all agriculturists owning various extents of land in various survey numbers of Kurmanadapuram village of V.Madugula Mandal, Visakhapatnam District. In the year 2005, the respondent-officials visited the lands of the petitioners and others and taken measurements for the purpose of digging canal under Urakagedda Reservoir. Recently, the 3rd respondent issued a notification under Section 4(1) of the Land Acquisition Act,1894 (for short 'the Act') acquiring an extent of Ac.7.02 cents of land at Kurmanadapuram village for the purpose of construction of Urakagedda Reservoir and the same was published in the newspapers on 25-10-2006. The notification does not indicate the lands situated in Sy.No.7 belonging to the petitioners. However, it was given to understand that the lands of the petitioners are also being used for the purpose of digging the canal without initiating any proceedings under the Act. In fact, on enquiries, it was revealed that the canal will pass through the lands of the petitioners. Petitioners, therefore, obtained a copy of the plan prepared by the Irrigation Department with regard to canal under Urakagedda Reservoir. A perusal of the plan clearly shows that the proposed canal will pass through the lands of the petitioners. According to the petitioners, they have no other livelihood except the said agricultural lands and they

cannot be deprived of their only source of livelihood by digging canal through their lands, without any authority of law and without paying any compensation. Thus, the only complaint of the petitioner seems to be that the canal is being dug through their lands without initiating any proceedings under the Act.

In the facts and circumstances of the case, without expressing any opinion on merits, respondents are directed not to interfere with the possession and enjoyment of the petitioners over their lands in Sy.No.7 of Kurmanadapuram village, V.Madugula Mandal, Visakhapatnam District without initiating proceedings under the Act or without making negotiations.

With the above directions, the Writ Petition is disposed of. No costs.

17-11-2006

Office to furnish
CC within 3 days
(BO)

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